

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49

Session of
1977

INTRODUCED BY MESSRS. DiCARLO, LINCOLN, MRS. KELLY,
MRS. GILLETTE, MESSRS. CASSIDY, COLE, CALTAGIRONE, O'KEEFE
AND SALVATORE, JANUARY 17, 1977

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, NOVEMBER 13, 1978

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," changing provisions; <—
4 RELATING TO MEDICAL ASSISTANCE AND relating to the Employment
5 Fund for the Blind and providing travel and maintenance
6 reimbursements to certain persons.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 SECTION 1. SECTIONS 443.3 AND 443.4, ACT OF JUNE 13, 1967 <—
10 (P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," AMENDED
11 NOVEMBER 28, 1973 (P.L.364, NO.128), ARE AMENDED TO READ:

12 SECTION 443.3. OTHER MEDICAL ASSISTANCE PAYMENTS.--PAYMENTS
13 ON BEHALF OF ELIGIBLE PERSONS SHALL BE MADE FOR OTHER SERVICES,
14 AS FOLLOWS:

15 (1) RATES ESTABLISHED BY THE DEPARTMENT FOR OUTPATIENT
16 SERVICES AS SPECIFIED BY REGULATIONS OF THE DEPARTMENT ADOPTED
17 UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT CONSISTING OF
18 PREVENTIVE, DIAGNOSTIC, THERAPEUTIC, REHABILITATIVE OR
19 PALLIATIVE SERVICES; FURNISHED BY OR UNDER THE DIRECTION OF A

1 PHYSICIAN, CHIROPRACTOR, OR PODIATRIST, BY A HOSPITAL OR
2 OUTPATIENT CLINIC WHICH QUALIFIES TO PARTICIPATE UNDER TITLE XIX
3 OF THE FEDERAL SOCIAL SECURITY ACT, TO A PATIENT TO WHOM SUCH
4 HOSPITAL OR OUTPATIENT CLINIC DOES NOT FURNISH ROOM, BOARD AND
5 PROFESSIONAL SERVICES ON A CONTINUOUS, TWENTY-FOUR HOUR A DAY
6 BASIS.

7 (2) RATES ESTABLISHED BY THE DEPARTMENT FOR (I) OTHER
8 LABORATORY AND X-RAY SERVICES PRESCRIBED BY A PHYSICIAN,
9 CHIROPRACTOR OR PODIATRIST AND FURNISHED BY A FACILITY OTHER
10 THAN A HOSPITAL WHICH IS QUALIFIED TO PARTICIPATE UNDER TITLE
11 XIX OF THE FEDERAL SOCIAL SECURITY ACT, (II) PHYSICIAN'S
12 SERVICES CONSISTING OF PROFESSIONAL CARE BY A PHYSICIAN,
13 CHIROPRACTOR OR PODIATRIST IN HIS OFFICE, THE PATIENT'S HOME, A
14 HOSPITAL, A NURSING HOME OR ELSEWHERE, (III) THE FIRST THREE
15 PINTS OF WHOLE BLOOD, (IV) REMEDIAL EYE CARE, AS PROVIDED IN
16 ARTICLE VIII CONSISTING OF MEDICAL OR SURGICAL CARE AND AIDS AND
17 SERVICES AND OTHER VISION CARE PROVIDED BY A PHYSICIAN SKILLED
18 IN DISEASES OF THE EYE OR BY AN OPTOMETRIST WHICH ARE NOT
19 OTHERWISE AVAILABLE UNDER THIS ARTICLE, (V) SPECIAL MEDICAL
20 SERVICES FOR SCHOOL CHILDREN, AS PROVIDED IN THE PUBLIC SCHOOL
21 CODE OF 1949, CONSISTING OF MEDICAL, DENTAL, VISION CARE
22 PROVIDED BY A PHYSICIAN SKILLED IN DISEASES OF THE EYE OR BY AN
23 OPTOMETRIST OR SURGICAL CARE AND AIDS AND SERVICES WHICH ARE NOT
24 OTHERWISE AVAILABLE UNDER THIS ARTICLE, (VI) OUT-PATIENT
25 SERVICES PROVIDED THROUGH PARTIAL HOSPITALIZATION PSYCHIATRIC
26 FACILITIES, PSYCHIATRIC CLINICS, DRUG AND ALCOHOL CLINICS, AND
27 FAMILY PLANNING CLINICS IN ACCORDANCE WITH DEPARTMENT
28 REGULATIONS.

29 SECTION 443.4. ADDITIONAL SERVICES FOR ELIGIBLE PERSONS
30 OTHER THAN THE MEDICALLY NEEDY.--EXCEPT FOR THE MEDICALLY NEEDY,

1 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE MAY, PURSUANT TO
2 REGULATIONS OF THE DEPARTMENT, ALSO RECEIVE DENTAL SERVICES,
3 VISION CARE PROVIDED BY A PHYSICIAN SKILLED IN DISEASES OF THE
4 EYE OR BY AN OPTOMETRIST PRESCRIBED MEDICATIONS, PROSTHETICS AND
5 APPLIANCES, AMBULANCE TRANSPORTATION, SKILLED NURSING HOME CARE
6 FOR AN UNLIMITED PERIOD OF TIME, AND OTHER REMEDIAL, PALLIATIVE
7 OR THERAPEUTIC SERVICES PRESCRIBED BY OR PROVIDED UNDER THE
8 DIRECTION OF A PHYSICIAN OR PODIATRIST. EXCEPT FOR THE MEDICALLY
9 NEEDY, CHILDREN UNDER THE AGE OF TWENTY-ONE ELIGIBLE FOR MEDICAL
10 ASSISTANCE SHALL RECEIVE PERIODIC SCREENING, DIAGNOSIS, AND
11 TREATMENT FOR CONDITIONS IDENTIFIED AS THE RESULT OF THE
12 SCREENING AND DIAGNOSIS.

13 Section ~~1-~~ 2. Section 803, ~~act of June 13, 1967 (P.L.31,~~ <—
14 ~~No.21), known as the "Public Welfare Code,"~~ OF THE ACT, amended <—
15 July 27, 1967 (P.L.187, No.59), is amended to read:

16 Section 803. Business Enterprises; Equipment; Leases;
17 Repayment; Travel and Maintenance for Business Enterprises
18 Program Committee.--The department is hereby authorized to
19 purchase, own, install, maintain, license and lease equipment,
20 accessories and vending machines to be used for suitable
21 business enterprises for or on behalf of the blind and to
22 advance to deserving blind persons out of moneys in the
23 employment fund for the blind, such reasonable amounts as may be
24 considered proper to enable such blind persons to purchase the
25 merchandise, equipment, stock and accessories necessary to put
26 into operation a vending or refreshment stand or other suitable
27 business enterprises in some suitable location to be leased or
28 arranged for by the department and provide travel and
29 maintenance reimbursement to duly elected members of the
30 Business Enterprises Program Committee to enable attendance at

1 semiannual meetings and from time to time to provide similar
2 travel and maintenance costs for selected members of that
3 committee enabling their participation in special project
4 activities deemed appropriate by the commissioner of the office
5 for the visually handicapped. Public Law 93-516, Title II,
6 better known as the Randolph-Sheppard Act, requires the
7 establishment of a committee of vending stand operators to
8 participate with the administering agency in policy and program
9 decisions. This committee will be comprised of ten members
10 elected by their peers to serve for a period of two years.
11 Representation on the committee requires one operator from each
12 of the district office areas of the office for the visually
13 handicapped and two operators each from the Pennsylvania Blind
14 Merchants Guild and the Pennsylvania Blind Concessionaires.
15 Pennsylvania blind veterans of the world wars shall be given
16 first preference for locations established, in accordance with
17 the provisions of the Federal Randolph-Sheppard Act (20 U. S. C.
18 A. Sec. 107, et seq.), and the rules and regulations pursuant
19 thereto.

20 Such business enterprises shall be approved by the department
21 and supervised periodically by the department.

22 The leases or permits for the installation and operation of
23 any such stands or other suitable business enterprises shall be
24 secured by the department in its own name.

25 Any moneys advanced to a blind person under the authority of
26 this act shall be repaid by such person in monthly installments,
27 which shall in no case be less than two percent of the gross
28 monthly sales made at the stand or business in question.

29 Equipment and accessories purchased, owned, installed and
30 maintained by the department may be leased to deserving blind

1 persons for an amount not to exceed four percent of the gross
2 monthly sales, except in those locations in which the gross
3 monthly sales do not exceed one thousand dollars (\$1,000). Such
4 rental in these locations shall not exceed one percent of the
5 gross monthly sales. The department shall periodically regulate
6 the rental fees charged to such blind persons in accordance with
7 the regulations to be adopted by it, in such a manner as to
8 achieve approximate equality of opportunity to such blind
9 persons[, and to assure that the fund shall at no time exceed
10 one hundred fifty thousand dollars (\$150,000)]. The department
11 shall transmit all such repayments and rental fees into the
12 State Treasury, where they shall be credited to the Employment
13 Fund for the Blind.

14 The department is authorized to receive and transmit to the
15 State Treasury for credit to the Employment Fund for the Blind,
16 all moneys heretofore or hereafter received by the Commonwealth
17 on account of contracts between the Commonwealth, acting through
18 the Department of [Property and Supplies] General Services and
19 vending machine owners, whereby the Commonwealth is to receive a
20 percentage of the profits from vending machines operated in
21 State buildings, except for those vending machines in State
22 buildings wherein a restaurant or cafeteria is operated by the
23 Department of [Property and Supplies] General Services.

24 Section ~~2-~~ 3. This act shall take effect immediately.

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